UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
--X
Novak,

Plaintiff(s),

SCHEDULING ORDER

-against-

CV 02-5164 (DRH) (JO)

Overture, et al.,

Defendant(s).
--X
JAMES ORENSTEIN, Magistrate Judge:

COURT APPEARANCE:

March 8, 2005 at 10:00 a.m. : Pretrial conference before the undersigned. If the trial judge requires one, a joint proposed pretrial order in compliance with that judge's requirements and signed by counsel for each party must be received by the undersigned 2 business days prior this conference. All parties must also submit a one page, ex parte statement of their settlement positions to the undersigned prior this conference. These statements will be treated as confidential, and will not be docketed. Meaningful settlement discussions will occur at this conference; clients or other persons with full settlement authority must be available by telephone.

ADDITIONAL DEADLINES:

August 1, 2004: Motions to join new parties or to amend the pleadings.

January 14, 2005: Completion of all discovery, inclusive of expert discovery. Depositions of experts may be taken at any time prior to trial.

February 15, 2005 : Any party planning to make a dispositive motion must take the first action beginning the motion process by this date or risk forfeiting the right to make such a motion. Depending on the district judge assigned, such first action would be either requesting a pre-motion conference, initiating the exchange of Local Civil Rule 56.1 statements, or requesting an oral argument date from the district judge. Parties are required to consult the individual rules of the district judge regarding motion practice.

Motions to resolve discovery disputes must be made by letter in accordance with Local Civil Rules 37.1 & 37.3 and in compliance with additional requirements set forth in the undersigned's Individual Rules. Motions that do not comply with all requirements will be returned to the movant. Untimely opposition, or no opposition, to letter motions may result in the motion's being granted as unopposed.

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This scheduling order will be modified by the Court only upon a timely showing of good cause. Any request for modification of this scheduling order must be in writing, and submitted in accordance with the undersigned's Individual Rule 1 (D).

All parties are advised that they are under a continuing obligation to keep the Court apprised of any changes in their contact information including, but not limited to, their addresses.

Dated: Central Islip, New York
July 15, 2004

SO ORDERED:

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JAMES ORENSTEIN
United States Magistrate Judge